

EXHIBIT C

(Uber's Rule 26 Disclosures)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Debra I. Grassgreen (CA Bar No. 169978)
Miriam Manning (CA Bar No. 178584)
PACHULSKI STANG ZIEHL & JONES LLP
150 California Street, 15th Floor
San Francisco, CA 94111
Telephone: (415) 263-7000
Facsimile: (415) 263-7010
E-mail: dgrassgreen@pszjlaw.com
mmanning@pszjlaw.com

David J. Bradford (admitted *pro hac vice*)
Catherine Steege (admitted *pro hac vice*)
Terri L. Mascherin (admitted *pro hac vice*)
JENNER & BLOCK LLP
353 N. Clark St.
Chicago, IL 60654
Telephone: (312) 222-9350
E-mail: dbradford@jenner.com
csteeg@jenner.com
tmscherin@jenner.com

Counsel for Uber Technologies, Inc.

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

ANTHONY SCOTT LEVANDOWSKI,

Debtor.

ANTHONY SCOTT LEVANDOWSKI, an
individual,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.

Defendant.

Case No. 20-30242 (HLB)

Chapter 11

Adv. Pro. No. 20-03050 (HLB)

**DEFENDANT UBER TECHNOLOGIES,
INC.'S INITIAL DISCLOSURES
PURSUANT TO FED. R. CIV. P.
26(A)(1)**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant Uber Technologies, Inc. (“Uber”) hereby provides its initial disclosures.

These initial disclosures are based on information currently available to Uber. These disclosures are made pursuant to Uber’s current understanding of the allegations in the Adversary Complaint and without benefit of access to the full un-redacted Corrected Final Award and record in the JAMS arbitration proceeding captioned *Google Inc. v. Levandowski* (Reference #1100086069) (“Google Arbitration”), as well as without the ability to analyze information in the matter of *Waymo LLC v. Uber Technologies, Inc.*, No. 3:17-cv-00939-WHA (N.D. Cal. Feb. 23, 2017) (“Waymo Litigation”), that has been identified as confidential by any party other than Uber. Uber may supplement these disclosures as this information is made available to it and as its investigation continues. Uber makes these disclosures without prejudice to its right to supplement these disclosures if additional responsive information becomes available, to correct or modify any information set forth or referenced herein, and to use the amended or supplemental information to support its defenses during discovery, pretrial and trial, and for supporting motions.

1. Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i)

Defendant identifies the following individuals as likely to have knowledge of discoverable information, and the accompanying subject matters, that Uber may use to support its claims or defenses in this matter.

The individuals that Uber identifies below include certain of the fact witnesses who testified in person, via videoconference, or by deposition in the Google Arbitration. As Uber has not been provided access to the entire record for the Google Arbitration, it cannot identify whether other witnesses who testified during that arbitration, as identified at pages 11-12 of the Google Arbitration Award, may also testify and/or whether the identified topics for any witness may be expanded. Based upon analysis of each witness’s testimony in the Google Arbitration and in the Waymo Litigation (if they also testified in that case), Uber may identify additional witnesses, including potentially additional witnesses associated with Google LLC (“Google”), Waymo LLC (“Waymo”), Stroz Friedberg LLC (“Stroz Friedberg”), and/or Tyto LiDAR, LLC (“Tyto”), as well as additional topics as to the witnesses who have been identified. These additional witnesses may include witnesses who

were deposed or testified in the Waymo Litigation, following authorization to review the testimony of witnesses (other than Uber witnesses) for purposes of this case.

Name	Title / Address	Subject Matter
Alaska Trust Company	May be contacted through Levandowski's counsel.	Levandowski's concealment of his involvement in Tyto.
Baker, Alisa	Attorney Levine & Baker LLP 1034 Kearny Street San Francisco California 94133	Uber's acquisition of Ottomotto LLC (" <u>Otto</u> "); Levandowski's concealment of his involvement in Tyto.
Barton-Sweeney, Andrew	Engineer May be contacted through Google and/or Waymo's counsel.	Topics as to which witness testified in the Google Arbitration; Levandowski's solicitation of Google and/or Waymo employees.
Bentley, Adam	Attorney Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Ottomotto's acquisition of Tyto; Levandowski's concealment of his involvement in Tyto; the negotiation of the Indemnification Agreement and Otto Merger Agreement; Stroz due diligence.
Bismuth Trust	May be contacted through Levandowski's counsel.	Levandowski's concealment of his involvement in Tyto.
Boehmke, Scott	Engineer Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Levandowski's concealment of his involvement in Tyto.
Burnette, Don	Chief Executive Officer Kodiak Robotics, Inc. 1049 Terra Bella Ave. Mountain View, California 94043	Topics as to which witness testified in the Google Arbitration; conduct attributed to him in the Waymo case; Levandowski's solicitation of Google and/or Waymo employees.

Name	Title / Address	Subject Matter
Chatterjee, Neel	Attorney Goodwin Procter LLP 601 Marshall Street Redwood City, California 94063	Levandowski's knowledge of the amendment and termination of the Ottomotto Trucking LLC (" <u>Otto Trucking</u> ") Merger Agreement.
Chew, Hanley	Attorney Fenwick & West LLP 801 California Street Mountain View, California 94041	Topics as to which witness testified in the Waymo Litigation; Stroz Friedberg's due diligence.
Cooper, Alex	Engineer May be contacted through Google and/or Waymo's counsel.	Topics as to which witness testified in the Google Arbitration; Google's due diligence of Tyto.
Cullinane, Brian	Head of User Experience Aurora Innovation, Inc. 1880 Embarcadero Rd Palo Alto, California 94303	Levandowski's solicitation of Google and/or Waymo employees.
Dateknight LLC	May be contacted through Levandowski's counsel.	Levandowski's concealment of his involvement in Tyto.
Delaunay, Claire	Vice President of Engineering NVIDIA 2788 San Tomas Expressway Santa Clara, California 95051	Topics as to which witness testified in the Google Arbitration; Levandowski's solicitation of Google and/or Waymo employees.
Dowdall, Jonathan	Engineer May be contacted through Google and/or Waymo's counsel.	Levandowski's solicitation of Google and/or Waymo employees.
Droz, Pierre Yves	Engineer May be contacted through Google and/or Waymo's counsel.	Topics as to which witness testified in the Google Arbitration; Levandowski's solicitation of Google and/or Waymo employees.
Faulkner, Kevin	Vice President Crypsis Digital Security, LLC 1410 Spring Hill Rd Ste 305 McLean, Virginia 22102	Topics as to which witness testified in the Waymo Litigation; Stroz Friedberg's due diligence.

Name	Title / Address	Subject Matter
Friedberg, Eric	Stroz Friedberg, LLC 32 Avenue of the Americas, 4th Floor New York, New York 10013	Topics as to which witness testified in the Waymo Litigation; Stroz Friedberg's due diligence.
Fulginiti Genow, Mary	647 Toyopa Dr. Pacific Palisades, California 90272	Topics as to which witness testified in the Waymo Litigation; Stroz Friedberg's due diligence.
Gassend, Blaise	Engineer May be contacted through Google and/or Waymo's counsel.	Levandowski's solicitation of Google and/or Waymo employees.
Glickman, Andrew	Attorney Sweetgreen, Inc. 8840 Washington Blvd Fl 4 Culver City, California 90232	The negotiation of the April 11, 2016 agreements; the acquisition of Tyto by Ottomotto; Levandowski's concealment of his involvement in Tyto; termination and amendment of the Otto Trucking agreement.
Haslim, James	Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Topics as to which witness testified in the Google Arbitration; Levandowski's concealment of his involvement in Tyto.
Hume, Hamish P. M.	Attorney Boies Schiller Flexner LLP 1401 New York Ave, NW Washington, DC 20005	Levandowski's invocation of his Fifth Amendment right to avoid self-incrimination during the Google Arbitration
Iordache, Ionut	Engineer May be contacted through Google and/or Waymo's counsel.	Topics as to which witness testified in the Google Arbitration; Levandowski's solicitation of Google and/or Waymo employees.
Jacobs, Michael A.	Attorney Morrison & Foerster LLP 425 Market Street San Francisco, California 94105-2482	The settlement agreement in the Waymo Litigation.

Name	Title / Address	Subject Matter
Kalanick, Travis	May be contacted through Uber's counsel.	Topics as to which witness testified in the Google Arbitration; the Indemnification Agreement; the closing of Uber's acquisition of Ottomotto; Levandowski's concealment of his involvement in Tyto; the decision to enter into the April 11, 2016 agreements including the Indemnification Agreement.
Karasoff, Mike	LiDAR Software Lead Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Levandowski's concealment of his involvement in Tyto.
Lenius, Sam	Electrical Engineering Manager May be contacted through Google and/or Waymo's counsel.	Levandowski's solicitation of Google and/or Waymo employees.
Levandowski, Anthony	May be contacted through Levandowski's counsel.	All of the topics relevant to Uber's claims and defenses in this proceeding, and to his claims in this proceeding.
Linaval, Asheem	Hardware Engineer Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Levandowski's concealment of his involvement in Tyto.
Lymn, Christian	Attorney Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	The termination and amendment of the Otto Trucking agreement; the negotiation of the April 11, 2016 agreements; Levandowski's concealment of his involvement in Tyto.
Mattos, Laila	Advanced Manufacturing May be contacted through Google and/or Waymo's counsel.	Topics as to which witness testified in the Google Arbitration; Levandowski's solicitation of Google and/or Waymo employees.

Name	Title / Address	Subject Matter
Maugeri, Melanie	Director Crypsis Digital Security, LLC 1410 Spring Hill Rd Ste 305 McLean, Virginia 22102	Topics as to which witness testified in the Waymo Litigation; Stroz Friedberg's due diligence.
McCann, Will	Opto-Mechanical Engineer Facebook, Inc. 1601 Willow Road Menlo Park, California 94025	Levandowski's solicitation of Google and/or Waymo employees.
Meyhofer, Eric	Head of Uber's Advanced Technologies Group Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Levandowski's concealment of his involvement in Tyto.
Morgan, Rhian	Executive Assistant Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Topics as to which witness testified in the Google Arbitration; Levandowski's solicitation of Google and/or Waymo employees.
Morriss, Zachary	Mechanical Engineer May be contacted through Google and/or Waymo's counsel.	Topics as to which witness testified in the Google Arbitration; Levandowski's solicitation of Google and/or Waymo employees.
Palomar, Matthew	Manufacturing Engineer Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Levandowski's concealment of his involvement in Tyto.
Pardan, Rahim	Senior Hardware Engineer May be contacted through Google and/or Waymo's counsel.	Levandowski's solicitation of Google and/or Waymo employees.
Peak Trust Company	May be contacted through Levandowski's counsel.	Levandowski's concealment of his involvement in Tyto.

Name	Title / Address	Subject Matter
Pennecot, Gaetan	Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Topics as to which witness testified in the Google Arbitration; Levandowski's solicitation of Google and/or Waymo employees; Levandowski's concealment of his involvement in Tyto.
Poetzscher, Cameron	May be contacted through Uber's counsel.	Topics as to which witness testified in the Google Arbitration; Negotiation of the April 11, 2016 agreements; Levandowski's concealment of his involvement in Tyto; the termination and amendment of the Otto Trucking agreement.
Pouch Holdings LLC	May be contacted through Levandowski's counsel.	Levandowski's concealment of his involvement in Tyto.
Qi, Nina	Chief Operating Officer Voyage Auto, Inc. 844 E Charleston Road Palo Alto, California 94043	Topics as to which witness testified in the Google Arbitration; the negotiation of April 11, 2016 agreements; Levandowski's concealment of his involvement in Tyto.
Raduta, Radu	Tech Lead, Advanced Sensing Cruise LLC 333 Brannan Street San Francisco, California 94107	Levandowski's solicitation of Google and/or Waymo employees.
Ratner, Daniel	Mechanical Engineer Nuro, Inc. 4039 26th Street San Francisco, California 94131	Levandowski's concealment of his involvement in Tyto.

Name	Title / Address	Subject Matter
Ron, Lior	Head of Uber Freight Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Topics as to which witness testified in the Google Arbitration; Ottomoto's acquisition of Tyto; the termination and amendment of the Otto Trucking agreement; Levandowski's concealment of his involvement in Tyto.
Sandstone Group, LLC	782 12th Ave San Francisco, California 94118	Levandowski's concealment of his involvement with Tyto.
Schwarz, Brent	Vice President of Business Development Luminar Technologies, Inc. 1891 Page Mill Road, Suite 200 Palo Alto, California 94304	Levandowski's concealment of his involvement in Tyto and the acquisition of Tyto by Otto
Sebern, Colin	Engineer Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Stroz Friedberg due diligence.
Sieben, Paul	Attorney O'Melveny & Myers LLP 2765 Sand Hill Road Menlo Park, CA 94025	Negotiation of Otto Trucking transactions, including termination and amendment of Otto Trucking Agreement and sale of Levandowski's interest in Otto Trucking.
Stojanovski, Ognen	Manager and General Counsel Sandstone Group, LLC 782 12th Ave San Francisco, California 94118	Topics as to which witness testified in the Google Arbitration; Levandowski's concealment of his involvement with Tyto.
Suhr, Justin	May be contacted through Uber's counsel.	Stroz Friedberg due diligence.
Tate, Eric Akira	Attorney Morrison & Foerster LLP 425 Market Street San Francisco, California 94105-2482	Stroz Friedberg due diligence.

Name	Title / Address	Subject Matter
Tocce, Michael	Senior Technical Program Manager Cruise LLC 333 Brannan Street San Francisco, California 94107	Levandowski's solicitation of Google and/or Waymo employees.
Torcellini, Brian	Staff Program Manager Uber Technologies, Inc. 1455 Market Street, 4th Floor San Francisco, California 94103	Levandowski's solicitation of Google and/or Waymo employees.
Ulrich, Drew	Senior Mechanical Engineer May be contacted through Google and/or Waymo's counsel.	Topics as to which witness testified in the Google Arbitration; Levandowski's solicitation of Google and/or Waymo employees.
Wachter, Luke	Senior Software Engineer May be contacted through Google and/or Waymo's counsel.	Levandowski's solicitation of Google and/or Waymo employees.
Walker, Kent	Senior Vice President for Global Affairs and Chief Legal Officer May be contacted through Google and/or Waymo's counsel.	Information regarding the settlement and release in the Waymo Litigation.
Waydo, Jaime	Senior Director Apple Inc. One Apple Park Way Cupertino, California 95014	Levandowski's solicitation of Google and/or Waymo employees.
Weikersdorfer, David	Director of Robotics Software NVIDIA 2788 San Tomas Expressway Santa Clara, California 95051	Levandowski's solicitation of Google and/or Waymo employees.

2. Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii)

Uber's search for relevant, non-privileged documents within its possession, custody, or control that it may use to support its defenses is ongoing. To date, Uber has identified the following categories of documents that it may use to support its claims or defenses:

- a. The record and discovery in the Waymo Litigation including (i) pleadings, motions, briefs, submissions, filings, stipulations, protective orders, communications between the parties, communications with the court, orders, awards, opinions, and exhibits to all of the foregoing; (ii) discovery requests

and responses, including all documents produced, by any party as well as by any third parties; (iii) transcripts of all depositions taken and all deposition exhibits; (iv) all expert reports, expert disclosures, and expert materials produced or prepared for the Waymo Litigation; and (v) all trial transcripts, trial exhibits, and trial demonstratives. Relevant documents are located at Uber, 1455 Market Street, 4th Floor, San Francisco, California 94103.

- b. Communications between Uber and its counsel and Levandowski and his counsel, regarding the Google Arbitration, including Levandowski's failure to testify. Relevant documents are located at Uber, 1455 Market Street, 4th Floor, San Francisco, California 94103.
- c. Documents related to the Otto Trucking transaction, including the April 11, 2016 Agreement and Plan of Merger ("Otto Trucking Agreement I"), the August 5, 2016 Agreement and Plan of Merger ("Otto Trucking Agreement II"), and the August 5, 2018 Amendment and Termination Agreement ("Otto Trucking Termination Agreement"), each of which was executed by both Otto Trucking and Uber. Relevant documents are located at Uber, 1455 Market Street, 4th Floor, San Francisco, California 94103.
- d. Documents related to Tyto, including Levandowski's concealment of his involvement in Tyto and Ottomoto's acquisition of Tyto. Relevant documents are located at Uber, 1455 Market Street, 4th Floor, San Francisco, California 94103.
- e. Documents related to due diligence by Stroz Friedberg including but not limited to any documents, devices, or other materials provided by Levandowski, Don Burnette, Soren Juelsgaard, Lior Ron, and Colin Sebern. Relevant documents are in the possession of Stroz Friedberg.

3. Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii)

Uber is seeking the following damages in this action at this time. Uber's investigation continues.

- a. Compensatory and consequential damages for defense costs that Uber incurred in the Waymo Litigation and approximately \$245,000,000 for the consideration that Uber provided to settle the Waymo Litigation;
- b. Contribution from Levandowski for the consideration valued at approximately \$245,000,000 that Uber provided to settle the Waymo Litigation;
- c. Compensatory and/or rescissory damages for the funds that Uber advanced to Levandowski to cover defense costs in the Google Arbitration;
- d. Contribution for at least 50% of the approximately \$9.5 million that Uber paid on behalf of Lior Ron ("Ron") for the joint and several portion of the Google Arbitration Award;

- 1 e. Attorneys' fees and costs incurred by Uber in defending this action, including
2 fees incurred in the Bankruptcy proceeding; and
3 f. Prejudgment and post judgment interest on any amounts awarded to Uber in
4 this action.

4 **4. Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iv)**

5 Based on its initial preliminary investigation of the matters asserted in the Adversary
6 Complaint, and in advance of formal discovery, Uber is not aware of the existence of any insurance
7 policy providing indemnification or reimbursement to satisfy all or part of any judgment entered as
8 result of this action.

9 Dated: September 25, 2020

Respectfully submitted,

10 PACHULSKI STANG ZIEHL & JONES LLP

11 By: /s/ Debra I. Grassgreen

12 Debra I. Grassgreen

13 Miriam Manning

14 JENNER & BLOCK LLP

15 David J. Bradford

Catherine Steege

16 Terri L. Mascherin

17 *Counsel for Uber Technologies, Inc.*
18
19
20
21
22
23
24
25
26
27
28